

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6306

BILL NUMBER: HB 1091

NOTE PREPARED: Feb 29, 2012

BILL AMENDED: Feb 23, 2012

SUBJECT: Agricultural Operations.

FIRST AUTHOR: Rep. Friend

FIRST SPONSOR: Sen. Steele

BILL STATUS: As Passed Senate

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: No Fiscal Impact

Summary of Legislation: (Amended) This bill provides that if a court finds that the prosecution or defense of a nuisance action brought against an agricultural operation was frivolous, the court shall award court costs and reasonable attorney's fees to the prevailing party. It specifies that reasonable attorney's fees may only include the fees for one attorney, and must be calculated on the basis of the reasonable and customary hourly rates charged in the county in which the action was brought. The bill also provides that the determination that an action was frivolous may not be based on the mere fact that a party did not prevail.

It requires a court to order a person who manufactures: (1) methamphetamine; or (2) marijuana; on property owned by another to pay certain liquidated damages as restitution to the property owner.

Effective Date: July 1, 2012.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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